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September 5, 2023

VIA ECF

Hon. Ramon E. Reyes, Jr.
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *City of New York v. Old Dominion Tobacco Company, Inc* (Case No. 2:20-cv-05965)

Dear Judge Reyes:

I am writing on behalf of defendant Atlantic Dominion in opposition to the request for an adjournment of the conference set for this Thursday, September 7. (Mr. Schick is out of the country today.)

As Your Honor will recall, we wrote to the Court about these issues two months ago and requested that this conference be held as soon as possible. In response, the City requested that the conference occur after August 31 to accommodate "a long planned family vacation." The Court's Order dated July 7 set both the date for production and this week's status conference.

The email sent my opposing counsel again cites a long-planned vacation as the reason for the requested adjournment. A copy of the September 1 email from Mr. Proshansky is attached.

There is no reason to delay this conference any longer. Moreover, I have obligations out-of-state next week that would preclude my attendance, and we are about to enter the Jewish holiday season, which will make scheduling difficult for Mr. Schick.

Given the serious concerns that have been raised about spoliation of evidence, we respectfully request that Thursday's conference proceed as scheduled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Metcalfe".

Mary Grace W. Metcalfe

cc. all counsel (via ECF)

Metcalf, Mary Grace

From: Proshansky, Eric (Law) <eproshan@law.nyc.gov>
Sent: Friday, September 1, 2023 1:59 PM
To: Schick, Avi; Metcalfe, Mary Grace
Cc: Iqbal, Aatif (LAW); Friedrich, Krista (LAW)
Subject: 9/7 Conference

CAUTION: This message came from outside the firm. DO NOT click links or open attachments unless you recognize this sender (look at the actual email address) and confirm the content is safe.

Avi & Mary Grace – I would like to attend the 9/7 conference but am on a long-planned vacation next week – would you consent to adjourning for say one week – if the 14th does not work, feel free to suggest an alternate date and I will write the court.

Eric Proshansky
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